

REMARKS

This amendment is submitted along with a Request for Continued Examination and appropriate fee in reply to the outstanding final Office Action dated March 6, 2007. Claims 1 and 3-15 currently stand rejected and are the only pending claims in the present application. Applicants have amended independent claims 1 and 9 to more particularly distinguish the claimed invention from the cited references. Claim 5 has been canceled, without prejudice. No new matter has been added by the amendment.

In light of the amendment and the remarks presented below, Applicants respectfully request reconsideration and allowance of all now-pending claims of the present invention.

Claim Rejections - 35 USC §103

Claims 1-2, 7, 9 and 11-14

Claims 1-2, 7, 9 and 11-14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Zhang et al. (U.S. Patent No. 6,253,327, hereinafter, "Zhang") in view of Bartoli et al. (U.S. Patent No. 6,047,268, hereinafter "Bartoli") and further in view of Teare et al. (U.S. Patent No. 5,243,652, hereinafter "Teare"). Applicants respectfully note that claim 2 has previously been canceled, without prejudice, and thus the rejection of claim 2 is moot.

A. The claimed invention is patentable over the cited references

Applicants have amended independent claims 1 and 9 to recite, *inter alia*, determining if the user is entitled to access the destination network based upon the user profile and the indication of the location comprising a port, circuit ID, VLAN ID or MAC address from which the request was received.

The Office Action cites Zhang as disclosing determining if the user is entitled to access the destination network based upon the user profile at col. 7, lines 12-17. The Office Action also asserts that Teare discloses a system where the attribute comprises an indication of the location from which the request was received at col. 3, lines 4-18. However, any indication of location provided by Teare is merely a position history and is not a port, circuit ID, VLAN ID or MAC

address from which the request was received. In this regard, Teare is directed to a system whereby a mobile node having encrypted material may receive an access key for decrypting the material in response to a match between the position history of the mobile node and acceptable position history data maintained at a central facility. In other words, according to Teare, a key to grant access to data already stored at the mobile node may be granted in response to location information. Thus, Teare not only fails to teach or suggest granting access to a destination network, but any access granted according to Teare is not based upon an indication of the location comprising a port, circuit ID, VLAN ID, or MAC address from which the request was received. Accordingly, Teare fails to teach or suggest determining if the user is entitled to access the destination network based upon the user profile and the indication of the location comprising a port, circuit ID, VLAN ID or MAC address from which the request was received as recited in independent claims 1 and 9.

Zhang is directed to a single step network logon. The Office Action admits that Zhang fails to teach or suggest determining if the user is entitled to access the destination network based upon the user profile and the indication of the location comprising a port, circuit ID, VLAN ID or MAC address from which the request was received as recited in independent claims 1 and 9. Bartoli is directed to allowing authentication transactions to be performed via use of "cookies" to permit a user to conduct follow-on transactions without further installation of special software on the user's client terminal. Bartoli also fails to teach or suggest the above recited feature. Moreover, neither Zhang nor Bartoli is cited as teaching or suggesting the above recited feature.

Since Zhang, Bartoli and Teare each fail to teach or suggest the same aforementioned feature of independent claims 1 and 9, any combination of Zhang, Bartoli and Teare also fails to teach or suggest at least determining if the user is entitled to access the destination network based upon the user profile and the indication of the location comprising a port, circuit ID, VLAN ID or MAC address from which the request was received as recited in independent claims 1 and 9. Thus, Zhang, Bartoli and Teare, taken either individually or in combination, do not anticipate, or render independent claims 1 and 9 obvious. Claims 7 and 11-14 depend either directly or indirectly from a respective one of independent claims 1 and 9, and as such, include

all the recitations of their respective independent claims. The dependent claims 7 and 11-14 are therefore patentably distinct from Zhang and Bartoli, individually or in combination, for at least the same reasons as given above for independent claims 1 and 9.

Accordingly, Applicants respectfully submit that the rejection of claims 1, 7, 9 and 11-14 as being unpatentable over Zhang in view of Bartoli and further in view of Teare, is overcome.

B. Bartoli and Teare are not proper references

Applicants continue to submit that Bartoli and Teare are not proper references since Bartoli and Teare are non-analogous art. Applicants respectfully note that, while the final Office Action repeats the two part test for analogous art, the Office Action fails to explain how either Bartoli or Teare qualify under the test requiring that “the reference must either be in the field of applicant’s endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned.” *In re Oetiker*, 977 F.2d 1443, 1446, 24 USPQ2d 1443, 1445 (Fed. Cir. 1992). See also *State Contracting & Eng’g Corp. v. Condotte America, Inc.*, 346 F.3d 1057, 1069, 68 USPQ2d 1481, 1490 (Fed.Cir. 2003) (where if the general scope of a reference is outside the pertinent field of endeavor, the reference may still be considered analogous art if subject matter disclosed therein is relevant to the particular problem with which the inventor is involved). As provided in Applicants’ prior responses, Bartoli and Teare are not reasonably pertinent to the particular problem with which the inventor was concerned nor are they in the same field of endeavor. Thus, Bartoli and Teare are each not analogous art and, therefore, cannot be relied upon to support an obviousness rejection under 35 U.S.C. §103. Furthermore, Applicants also continue to submit that there is no motivation to combine the references

Since the Teare and/or Bartoli references cannot properly be combined with the Zhang reference, it is respectfully submitted that the rejections of all claims based on the combination of these references is overcome.

Accordingly, for all the reasons stated above, Applicants respectfully submit that the rejections of claims 1, 7, 9 and 11-14 are overcome.

Claims 3-6, 8 and 15

Claims 3-6, 8 and 15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Zhang in view of Bartoli and Teare, and further in view of Lim et al. (U.S. Patent No. 6,434,619, hereinafter "Lim"). Applicants respectfully note that claim 5 has been canceled, without prejudice, and thus the rejection of claim 5 is moot.

As stated above, neither Zhang, Bartoli nor Teare teaches or suggests determining if the user is entitled to access the destination network based upon the user profile and the indication of the location comprising a port, circuit ID, VLAN ID or MAC address from which the request was received as recited in independent claims 1 and 9. Lim also fails to teach or suggest such features and is not cited as such. Notably, Zhang discloses authorizing access to CGI programs based on IP address, but the IP address is not a location comprising a port, circuit ID, VLAN ID or MAC address from which the request was received as recited in independent claims 1 and 9.

Since Zhang, Bartoli, Teare and Lim each fail to teach or suggest the aforementioned features of independent claims 1 and 9, any combination of Zhang, Bartoli, Teare and Lim also fails to teach or suggest the subject matter of independent claims 1 and 9. Thus, Zhang, Bartoli, Teare and Lim, taken either individually or in combination, do not anticipate, or render independent claims 1 and 9 obvious. Claims 3, 4, 6, 8 and 15 depend either directly or indirectly from a respective one of independent claims 1 and 9, and as such, include all the recitations of their respective independent claims. The dependent claims 3, 4, 6, 8 and 15 are therefore patentably distinct from Zhang, Bartoli, Teare and Lim, individually or in combination, for at least the same reasons as given above for independent claims 1 and 9.

Accordingly, Applicants respectfully submit that the rejections of dependent claims 3, 4, 6, 8 and 15 as being unpatentable over Zhang in view of Bartoli and Teare, and further in view of Lim, are overcome.

CONCLUSION

In view of the amendment and the remarks submitted above, it is respectfully submitted that the present claims are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicants' undersigned attorney to resolve any remaining issues in order to expedite examination of the present invention.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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